

4/Election

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard Voellmy

Appl. No: 09/939,161

Filed: 08/24/2001

Title: COMPOSITIONS AND METHODS RELATING TO PREVENTION  
OF CHEMOTHERAPY-INDUCED ALOPECIA

Grp: 1615

Examiner: Simon J. Oh

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Richard Voellmy

Assistant Commissioner for Patents and Trademarks

Washington, D.C. 20231

**RESPONSE TO REQUEST FOR RESTRICTION/ELECTION**

Sir:

In response to Examiner's request for election of a single species of the claimed invention, Applicant elects the group identified by the Examiner as "a composition comprising a chemical inducer of the stress protein response that is an arsenic salt". This election is made solely to comply with the requirement of 35 U.S.C. 121. Applicant argues below that the specification contains at least one additional species not identified

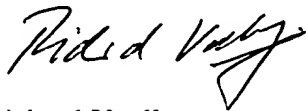
by the Examiner. Applicant wishes to elect the latter species in lieu of the election made above.

The Examiner described the different species identified by him by the formula "a composition comprising a chemical inducer of the stress protein response which is a named chemical substance, e.g., diamide". Applicant wishes to point out that all but the last two claims refer to methods. Hence, each identified species is "a method comprising administering to the scalp of a patient or the skin of an animal an effective amount of a composition comprising a named inducer of the stress protein response sufficiently prior to the administration of a chemotherapeutic drug".

Unfortunately, the claims that correspond to the groups/species identified by the Examiner were left unidentified. In the absence of any other information, Applicant assumes that the restriction requirement relates to claims 1-15, 21 and 22. All these claims describe uses of chemical inducers or compositions comprising chemical inducers. Applicant wishes to draw the Examiner's attention to the fact that none of the species identified by him encompasses the specific methods described in claim 16 and dependent claims 17-20. Claim 16 concerns a method comprising administering to the scalp of a patient or the skin of an animal an effective heat dose (the prototypical inducer of the stress protein response) sufficiently prior to the administration of a chemotherapeutic drug. This method is obviously a sister species to the species already identified by the Examiner. It differs from the identified species by the use of a different inducer of the stress protein response. This difference is precisely what distinguishes the different species described by the Examiner.

Applicant requests that the Examiner add a species representative of the methods described by claim 16 and dependent claims to the list of species from which an election must be made as well as enter Applicant's election of the newly added species. Applicant's interest in this species is not arbitrary. Applicant believes that the species represents the medically most acceptable and commercially most feasible embodiment of the method of the invention.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Richard Voellmy".

Richard Voellmy,

Applicant and Attorney

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